

9 FAM 41.122 PROCEDURAL NOTES

(CT:VISA-816; 06-21-2006)
(Office of Origin: CA/VO/L/R)

9 FAM 41.122 PN1 REVOCATION OF VISAS BY CONSULAR OFFICERS

9 FAM 41.122 PN1.1 Revocation When Alien Found Ineligible After Visa Issuance

(CT:VISA-800; 04-20-2006)

There are four circumstances under which a consular officer may revoke a nonimmigrant visa (NIV):

- (1) Consular officer determines that the alien is ineligible under INA 212(a), or INA 222(g) to receive such visa;
- (2) The alien is not eligible for the particular visa classification (this includes ineligibility under INA 214(b);
- (3) The alien has been issued an immigrant visa (IV); or
- (4) The visa has been physically removed from the passport in which it was issued.

9 FAM 41.122 PN1.2 Entering Revocations into the Consular Lookout and Support System (CLASS)

(CT:VISA-663; 12-22-2004)

The lookout code, "VRVK," must be entered into the Consular Lookout and Support System (CLASS) name check system when a visa that is revoked at post cannot be physically canceled.

9 FAM 41.122 PN1.3 When Consular Officer May Not Revoke Visa

(CT:VISA-663; 12-22-2004)

- a. A consular officer does not have the authority to revoke a visa based on a suspected ineligibility, or based on derogatory information that is

insufficient to support an ineligibility finding. A consular revocation must be based on an actual finding that the alien is ineligible for the visa.

- b. Under no circumstances should a consular officer abroad revoke a visa when the alien is in the United States, or after the alien has commenced an uninterrupted journey to the United States. This may only be done by the Department's Visa Office (CA/VO/L/A or CA/VO/L/C).

9 FAM 41.122 PN2 WHEN DEROGATORY INFORMATION RECEIVED

(CT:VISA-663; 12-22-2004)

If a consular officer receives derogatory information on an alien outside the context of a pending visa application, and the information is sufficient to render the alien ineligible for a visa, the officer should first check the Consular Consolidated Database (CCD) to determine whether the alien may be in possession of a valid visa. If not, the alien's name should be entered in CLASS under the appropriate "P" (quasi) ineligibility code, pending some future visa application by the alien. The CAT I or CAT II file should be created to back up the lookout entry. If the alien does have a valid visa, the post should follow the required procedures for processing visa revocation, in accordance with this section.

9 FAM 41.122 PN3 SEEKING A SECURITY ADVISORY OPINION (SAO) AND A NON-SECURITY ADVISORY OPINION (AO)

(CT:VISA-663; 12-22-2004)

In making any new determination of ineligibility as a result of information which may come to light after issuance of a visa, the consular officer must seek and obtain any required Advisory or Security Advisory Opinions (AO or SAO). This applies, for example, to findings of ineligibility under INA 212(a)(6)(C)(i), "misrepresentation"; INA 212(a)(3)(B) "terrorist activity"; or INA 212(a)(3)(C) "foreign policy." Pending receipt of the Department's response, the consular officer must enter the alien's name in CLASS under a quasi-refusal code, if warranted.

9 FAM 41.122 PN4 COMMUNICATING WITH ALIEN

9 FAM 41.122 PN4.1 Informing Alien of Intent to Revoke Visa

(TL:VISA-277; 05-10-2001)

22 CFR 41.122(b) requires the consular officer to notify the alien of the intent to revoke a visa, if such notification is practicable. The notice of intent to revoke a visa affords the alien the opportunity to demonstrate why the visa should not be revoked. An after-the-fact notice that the visa has already been revoked would not be sufficient, unless prior notice of intent to revoke was found not to be practicable in the particular case.

9 FAM 41.122 PN4.2 When Intent to Revoke Not Practicable

(TL:VISA-277; 05-10-2001)

A prior notification of intent to revoke a visa would not be practicable if, for instance, the post did not know the whereabouts of the alien, or if the alien's departure is believed to be imminent. In cases where the alien can be contacted and travel is not imminent, prior notice of intent to revoke the visa would normally be required, unless the consular officer has reason to believe that a notice of this type would prompt the alien to attempt immediate travel to the United States.

9 FAM 41.122 PN5 PHYSICAL CANCELLATION OF VISA

(CT:VISA-663; 12-22-2004)

If a decision to revoke the visa is reached after the case has been reviewed, the consular officer must print or stamp the word "REVOKED" in large block letters across the face of the visa. The consular officer must also date and sign this action and enter any new ineligibilities or derogatory information into the Consular Lookout and Support System (CLASS). Timely entry into CLASS is essential. If located at a post other than the one at which the visa was issued, the title and location of the post should be written below the signature.

9 FAM 41.122 PN6 FORM DS-4047, CERTIFICATE OF REVOCATION OF VISA BY CONSULAR OFFICER

(CT:VISA-800; 04-20-2006)

- a. Except in a case where a visa is revoked because an immigrant visa (IV) has been issued to the alien, the consular officer must complete the Form DS-4047, Certificate of Revocation of Visa by Consular Officer, for the file when a visa is either canceled or revoked, and make the appropriate entry into CLASS. If the visa was issued at another post, a signed copy of the Form DS-4047, should be forwarded to the issuing post.
- b. Since a consular revocation is a formal adjudication of eligibility, posts should use a definitive refusal code, rather than a "P" (quasi) lookout entry.

9 FAM 41.122 PN7 WHEN TO NOTIFY DEPARTMENT REGARDING REVOCATION

(CT:VISA-663; 12-22-2004)

- a. If a visa is physically cancelled prior to the alien's departure to the United States, then there is no need to report the revocation to the Department, except in cases involving A, G, C-2, C-3, or North American Treaty Organization (NATO) visas.
- b. As required by 22 CFR 41.122(e), the Department (CA/VO/L/A, CA/VO/P/D, S/CPR, and the appropriate country desk), as well as Department of Homeland Security (DHS), Washington, DC should be promptly notified whenever any diplomatic or official visa, or any visa in the A, G, C-2, C-3, or NATO classification is formally revoked.
- c. As required by 22 CFR 41.122(d) and 22 CFR 41.122(e), in any case in which a visa is revoked but the consular officer is unable to physically cancel the visa, the consular officer must notify the Department (CA/VO/L/C) for cases that fall under INA 212(a)(3)(A) and INA 212(a)(3)(B), and CA/VO/L/A for all other cases, local carriers, and the appropriate DHS port(s) of entry. The notice to the Department should be in the format prescribed in 9 FAM 41.122 PN14.2.

9 FAM 41.122 PN8 WHEN DEPARTMENT REVOKES VISA

(CT:VISA-663; 12-22-2004)

- a. When the Department revokes a visa, a front channel cable will be sent to post notifying them of the revocation when possible, and furnish a point of contact in the Visa Office.
- b. Although the Department is not required to notify the alien of a revocation done pursuant to the Secretary's discretionary authority,

unless instructed otherwise, posts should do so, especially in cases where the revoked visa was issued to a government official. Posts should then send a front channel cable to the Department's point of contact and provide information on any action taken.

9 FAM 41.122 PN9 VISA REVOCATIONS WITH POLITICAL, PUBLIC, OR POLICE IMPLICATIONS

9 FAM 41.122 PN9.1 Keeping Department Informed

(CT:VISA-663; 12-22-2004)

- a. Consular officers are responsible for keeping the Department (CA/VO/L/A and/or CA/VO/L/C and the appropriate country desk) informed of visa actions that may affect our relations with foreign states or our public diplomacy, or that may affect or impede ongoing or potential investigations and prosecutions by U.S. and other cooperating foreign law enforcement agencies.
- b. This is particularly true when consular officers use the power granted them under INA 221(i) as implemented in 22 CFR 41.122 and this section, to revoke the visas of officials of foreign governments, prominent public figures, and objects or potential objects of U.S. and foreign criminal investigations.
- c. In such cases, the Department's guidance should be sought prior to any visa revocation unless unusual and exigent circumstances prevent such a consultation. In the rare cases when advance consultation is not possible, the Department should be informed as soon as possible after the revocation. Such cables should be directed to CA/VO/L/C or CA/VO/L/A, and the appropriate country desk.

9 FAM 41.122 PN9.2 Revocations That May Have Repercussions

(TL:VISA-277; 05-10-2001)

Consular officers should be alert to the political, public relations, and law enforcement consequences that can follow a visa revocation, and should work with the Department to ensure that all legally available options are fully and properly assessed. The revocation of the visa of a public official or prominent local or international person can have immediate and long-term repercussions on our political relationships with foreign powers, and on our

public diplomacy goals in a foreign state. The visa laws must be applied to such persons like any others, recognizing that certain visa categories, particularly A's and G's, are not subject to the same standards of inadmissibility as others. Precipitant action must nevertheless be avoided in such high profile visa cases. Consultation both within the mission and with the Department may result in a decision that the Department, rather than the consular officer, should undertake the revocation, since Department revocations pursuant to the Secretary's revocation authority provide more flexibility in managing the relevant issues.

9 FAM 41.122 PN9.3 When Revocation Subject is Object of Criminal Investigation

(TL:VISA-277; 05-10-2001)

- a. In cases where the subject of a revocation is also the object of a criminal investigation involving U.S. law enforcement agencies, action by a consular officer without prior Department consultation and coordination may:
 - (1) Jeopardize an ongoing investigation;
 - (2) Prejudice an intended prosecution;
 - (3) Preclude apprehension of the subject in the United States;
 - (4) Put informants at risk; or
 - (5) Damage cooperative law enforcement relationships with foreign police agencies.
- b. When a consular officer suspects that a visa revocation may involve U.S. law enforcement interests, the consular officer should consult with law enforcement agencies at post and inform the Department (CA/VO/L/C or CA/VO/L/A), as applicable, of the case and of the post's proposed course of action, to permit consultations with potentially interested entities before a revocation is made.
- c. In deciding what cases to report in advance to the Department, posts should err on the side of prudence. It would be in the best interest to report cases requiring no Department action rather than having to inform the Department after the fact in a case that has adverse consequences for U.S. law enforcement or diplomatic interests. Posts should contact CA/VO/L/C for security-related cases, and CA/VO/L/A for others. Posts may wish to notify other functional bureaus, as appropriate.

9 FAM 41.122 PN9.4 If Alien in Possession of Another Valid U.S. Visa

(TL:VISA-277; 05-10-2001)

When a consular officer has taken action to revoke a visa, the officer should determine whether the alien holds another current U.S. visa in the same or another passport. The officer should proceed to revoke that visa as well, provided the grounds for revoking the first visa apply to any other visa the alien may hold, or if independent grounds for revocation apply. In the latter case, the consular officer is also required by 22 CFR 41.122 to give the alien, if practicable, an opportunity to rebut or overcome that ground(s) of ineligibility.

9 FAM 41.122 PN10 IMPORTANCE OF PHYSICALLY CANCELING VISA PRIOR TO ALIEN'S DEPARTURE/STOPOVER EN ROUTE TO THE UNITED STATES

(CT:VISA-663; 12-22-2004)

If the revoking officer has learned that the alien is stopping at a city en route to the United States in which a consular office is located, the revoking post should request the stopover post to attempt to contact the alien and physically cancel the visa. The revoking post should immediately notify the Department (CA/VO/L/A for non-security related ineligibilities and CA/VO/L/C for security-related ineligibilities), info the Department of Homeland Security, (DHS) and the stopover post as described in 9 FAM 41.122 PN14.2, and update CLASS, as appropriate.

9 FAM 41.122 PN10.1 If Visa is Canceled at Stopover Location

(CT:VISA-663; 12-22-2004)

- a. If the stopover post physically cancels the visa, it should notify the revoking post and the Department CA/VO/L/A or CA/VO/L/C.
- b. The revoking post should update CLASS and notify the Department (CA/VO/L/A or CA/VO/L/C), as well as the stopover post and DHS to update the report.

9 FAM 41.122 PN10.1-1 If Visa is Not Canceled at Stopover Location

(CT:VISA-663; 12-22-2004)

If the stopover post is unable to cancel the visa physically, it should notify the revoking post and the Department (CA/VO/L/A or CA/VO/L/C), provide

any additional information, and must also notify all appropriate transportation companies that the visa has been revoked. The letter should be used to notify transportation companies of this action and be delivered to them by the most expeditious and secure means. Neither the revoking post nor the stopover post should prepare a Form DS-4047, Certificate of Revocation of Visa by Consular Officer, unless subsequently instructed to do so by the Department, nor should they inform the alien of the findings. These instructions are predicated on the premise that the alien has commenced an interrupted journey to, or is already in the United States. The revoking post should immediately notify the Department (CA/VO/L/A or CA/VO/L/C), the stopover post, and DHS, to update or file a report as described in 9 FAM 41.122 PN14.2, and to update CLASS as necessary.

9 FAM 41.122 PN10.1-2 If at Stopover Location Revocation Appears Overcome

(TL:VISA-555; 07-17-2003)

Upon interviewing the alien, should the stopover post conclude that revocation has been overcome and the alien is no longer ineligible, reinstatement of the visa in accordance with 9 FAM 41.122 PN13 may be warranted. The stopover post should inform the revoking post in detail of its findings, addressing an info copy to the Department (CA/VO/L/A or CA/VO/L/C). Such a report could form the basis for reinstatement of the visa initiated by the revoking post or the stopover post, provided that it had the concurrence of the revoking post. If posts have a difference of opinion, the case should be submitted to the Department (CA/VO/L/A or CA/VO/L/C) for determination. Should a determination to reinstate the visa be made, the revoking post, which may be presumed to hold the bulk of pertinent data on the case, would have the responsibility to take the reinstatement actions described in 9 FAM 41.122 PN15, and update and revise entries in CLASS.

9 FAM 41.122 PN10.2 Visa Erroneously Issued by Other Post

(CT:VISA-800; 04-20-2006)

If a consular officer determines that another post has erroneously issued a visa, that post should be informed in detail of the officer's findings. Such a report could form the basis for revoking the visa, initiated by the issuing post or by the reporting post, with the concurrence of the issuing post. If a difference of opinion ensues between posts, the case should be submitted to the Department (CA/VO/L/A or CA/VO/L/C) for an advisory opinion (AO).

9 FAM 41.122 PN11 WHEN ALIEN UNLIKELY TO SURRENDER PASSPORT FOR REVOCATION

(CT:VISA-800; 04-20-2006)

If a consular officer has reason to believe that an alien whose visa is subject to be revoked will fail to present the visa, and if the alien has not yet commenced travel, the DHS office at the port of entry (POE) and all appropriate transportation companies should immediately be notified that the visa has been revoked. The letter should be used to notify transportation companies of this action and be delivered to them by the most expeditious and secure means. Concurrently, with the preparation of the letter, the Form DS-4047, Certificate of Revocation of Visa by Consular Officer, is to be prepared and maintained in the appropriate CAT I or CAT II file at post. A telegraphic report as described in 9 FAM 41.122 PN14.2 and an entry into CLASS must also be made.

9 FAM 41.122 PN12 NOTICE TO DEPARTMENT

9 FAM 41.122 PN12.1 Ineligible Alien in United States

(CT:VISA-800; 04-20-2006)

Whenever a consular officer believes that an alien, whose visa is subject to revocation, has commenced an interrupted journey to, or, is already in the United States and physical cancellation of the visa is not possible, the officer should immediately inform the Department (CA/VO/L/A for non-security cases, CA/VO/L/C for security-related cases) of the grounds of ineligibility or other adverse factors, and furnish the information called for by 9 FAM 41.122 PN14.2. New ineligibilities and other pertinent derogatory information should be entered into CLASS. In addition, if the officer is aware of reasons making it desirable to permit the alien to complete the temporary stay, the officer should report them to the Department, (CA/VO/L/A or CA/VO/L/C). In no case should an officer communicate the findings to the alien concerned. The consular officer should not prepare a Form DS-4047, unless instructed to do so by the Department.

FAM 41.122 PN12.2 Department Revocation and Department of Homeland Security (DHS) Cancellation of Visa

(CT:VISA-800; 04-20-2006)

Upon receipt of the consular officer's report, the Department will decide whether the visa should be revoked and, if so, ask DHS to cancel it physically immediately or at such time as the alien may again present the visa at a POE. If the decision is to revoke, the Department will normally prepare a Certificate of Revocation for signature by the Deputy Assistant Secretary (DAS) for Visa Services. Alternatively, the Department may inform DHS of the data submitted and give DHS an opportunity to initiate proceedings under the pertinent provisions of INA 237 (Classes of Deportable Aliens). If the latter course is followed, the Department will concurrently request that it be informed of the alien's date of departure and destination, so that, subsequent to the alien's departure from the United States, the visa may be physically canceled and the consular officer instructed to prepare the Form DS-4047. If the visa is physically canceled at a post other than the one at which it was issued, the revoking officer should forward a signed copy of the Form DS-4047, to the issuing post.

9 FAM 41.122 PN12.3 Prudential Revocations

(CT:VISA-800; 04-20-2006)

- a. Although consular officers generally may revoke a visa only if the alien is ineligible under INA 212(a) or is no longer entitled to the visa classification, the Department may also revoke a visa if an ineligibility or lack of entitlement is suspected. In addition to the conditions described in 9 FAM 41.122 PN12.2, the Department may revoke a visa when it receives derogatory information directly from another U.S. Government agency, including a member of the intelligence or law enforcement community. The process is initiated when CA/VO/L/A or CA/VO/L/C receives derogatory information, usually through Bureau of Intelligence and Research (INR). When the derogatory information relates to a suspected 212(a)(3) security ineligibility, it will be evaluated by CA/VO/L/C. Otherwise, derogatory information will be evaluated by CA/VO/L/A. Once it has been determined that the derogatory information appears sufficient to warrant a revocation, the subject's name shall be entered into CLASS, and a Certificate of Revocation will be submitted for signature to the Deputy Assistant Secretary (DAS) of State for Visa Services with a summary of the available intelligence and/or background information, and any other relevant documentation. When the Certificate of Revocation has been signed, it will be communicated within the Department and to other agencies by the following means:
 - (1) The file is reviewed to ensure that the subject has been entered into CLASS under the appropriate code. For a prudential revocation, the "VRVK" code will be entered as well as any applicable quasi-ineligibility ("P") code that corresponds to the suspected ineligibility. In the case of a prudential revocation based

on derogatory information forwarded to VO by INR, the "DPT-00" code will be entered as well as "VRVK" and any applicable "P" code. For revocations based on a finding of ineligibility, the appropriate ineligibility code is entered, but the "VRVK" code is not required. For additional guidance on the use of the VRVK code, refer to Standard Operating Procedures: No. 11.

- (2) Copies of the Certificate of Revocation are sent to the Department of Homeland Security (DHS) and to INR when the revocation relates to INA 212(a)(3)(A), (B), or (F).
- (3) A Departmental request to post to attempt to notify the visa holder of the revocation is sent to the issuing post, DHS and, when the revocation relates to INA 212(a)(3)(A), (B) or the Federal Bureau of Investigation (FBI).

NOTE: If law enforcement interests require that the subject remain unaware of U.S. Government interest, post will be informed of the revocation but instructed not to notify the subject.

- b. Except for revocations based on recommendations from post where the alien may be in the United States, most of the Department's revocations are prudential revocations, which do not constitute permanent finding of ineligibility. They simply reflect that, after visa issuance, information surfaced that has called into question the subject's continued eligibility for a visa. Subjects of prudential revocations are free to reapply and reestablish their eligibilities. If a subject of a CLASS code of "DPT-00" or an ineligibility under INA 212(a) applies for a visa, post must request either a security advisory opinion to CA/VO/L/C or, if there is no "00" entry and the ineligibility code relates to a INA 212(a) subsection other than 212(a)(3)(A), (B), (C), (D), (E), or (F), an advisory opinion other than security to CA/VO/L/A. (If the "VRVK" code is only accompanied by an entry from another post, the adjudicating post should contact the revoking post via email, and, in most cases will not need to send a cable to the Department). Upon receipt of a visa application from a subject of a prudential revocation for whom CLASS reflects a Department entry of a code of "VRVK" or a quasi-ineligibility under an INA section other than 212(a), posts are required to obtain Department approval prior to visa issuance. Posts must submit a Security Advisory Opinion (SAO) request to CA/VO/L/C, in cases with CLASS codes relating to a security-related subsection of INA 212(a), or a request for advisory opinion (AO) other than security to CA/VO/L/A, in cases relating to other INA 212(a) subsections.

9 FAM 41.122 PN13 RECOMMENDATIONS FOR WAIVER ACTION

9 FAM 41.122 PN13.1 Important Public Relations Implications

(CT:VISA-800; 04-20-2006)

Consular officers should, in cases having important public relations implications, consider recommending that the alien's temporary admission be authorized pursuant to INA 212(d)(3)(A). If such a decision is made, the case is to be processed in accordance with 9 FAM 40.301 Notes and the additional information called for by 9 FAM 41.122 PN15 is to be furnished, either to the DHS office abroad or to the Department (CA/VO/L/A for non-security cases; CA/VO/L/C for security-related cases). Consular officers should note that referral to the Department (CA/VO/L/C) is required in several kinds of cases including, for example, those involving ineligibility under 212(a)(3)(B), "Terrorist Activities, or any case in which the alien's presence or activities in the United States might become a matter of public interest or of foreign relations significance." In the latter cases, consular officers should note the AO procedural requirements under 9 FAM 40.32, especially N4. When the facts justify the recommendation of a waiver under INA 212(d)(3)(A) and the alien is within the jurisdiction of the consular office, the consular officer should inform the alien that a waiver is being recommended. The alien should be asked to temporarily surrender the passport or other document containing the visa, pending final action on the recommended waiver. If the alien refuses to surrender the visa, the officer should formally revoke it as described in 9 FAM 41.122 PN1 and 9 FAM 41.122 PN2.

9 FAM 41.122 PN13.2 If Waiver Obtained

(CT:VISA-816; 06-21-2006)

Waiver procedures are described here on the premise that action to revoke a visa has not been made. If a visa has been revoked then reinstatement procedures (see 9 FAM 41.122 PN15) are needed to undo a revocation. *If a waiver is obtained, the consular officer must enter the notation on the visa as required by 9 FAM 41.122 PN15.3.* A waiver for an ineligibility under section 212(a)(3)(B) of the INA must be requested by the Department. If the waiver limits the number of applications for entry, this information should be included in the notation, for example, "single entry" or "two entries." The alien is to be informed that the visa will be valid only for the period and number of applications for admission authorized by the waiver.

9 FAM 41.122 PN14 ENTRY OF SUBJECT INTO CLASS AND RECORD OF VISA REVOCATION

(CT:VISA-663; 12-22-2004)

The revoking office should enter the alien's name into the Consular Lookout and Support System (CLASS) in accordance with 9 FAM Appendix D. The original of the Form DS-4047, Certificate of Revocation of Visa by Consular Officer, as well as a copy of the post's letter to transportation companies listing all the addressees, is to be made a part of the Category I file. The issuing post should annotate Form DS-156, Nonimmigrant Visa Application, regarding the revocation and date.

9 FAM 41.122 PN14.1 Action Required When Derogatory Information Received After Issuance of Crew-Member Visa

(CT:VISA-816; 06-21-2006)

See 9 FAM 41.41 PN2, "Action Required When Derogatory Information Received Regarding Hold^{er} of D Visa," and 9 FAM 41.42 PN3, "Derogatory Information Received After Issuance of a Crew-List Visa."

9 FAM 41.122 PN14.2 Report of Derogatory Information Received After Issuance of Visa

(CT:VISA-800; 04-20-2006)

- a. Posts are no longer required to submit a report to the Department on NIV revocations done at post, provided that the visa has been physically canceled prior to the alien's departure for the United States. Exceptions to this procedure are in cases involving A, G, C-2, C-3, North American Treaty Organization (NATO), diplomatic, or official visas, when a report would be required.
- b. A VISAS DONKEY SAO should be sent as called for in these notes whenever a visa in one of the above-mentioned categories is revoked, (except when revoked for issuance of an IV, regardless of whether the visa has been physically canceled). The SAO should be captioned: "CVIS: REVOCATION," or "CVIS: DEROGATORY INFORMATION DEVELOPED SUBSEQUENT TO VISA ISSUANCE." This telegram will normally be passed to DHS for appropriate action, including entry of pertinent data into DHS lookouts. If the consular officer has reason to believe that the alien may enter the United States via a particular POE, the officer may address the cable to DHS, slugging it with the note "Pass to point of entry (POE) (insert name of port)." As necessary and appropriate, other posts can and should be included as INFO addresses. The following items should be included:
 - (1) Full name of alien, including aliases;

- (2) Date and place of birth;
- (3) Country of nationality and residence;
- (4) Date of issuance or transfer of visa, date of expiration of visa, number of applications for admission, and visa symbol;
- (5) Place of visa issuance or transfer;
- (6) Type, number, and date and place of issuance of passport;
- (7) All sections of law under which the alien is ineligible or is thought to be ineligible;
- (8) A full report of the information upon which the finding of ineligibility is based and the consular officer's comments, together with a statement as to whether the information may be furnished DHS and used as a basis for questioning the alien. Considerations of national security, foreign policy, protection of sources, and the like may warrant not advising the alien of certain information;
- (9) If available, the means of transportation, prospective date and port of arrival, and the alien's address in the United States;
- (10) Posts should indicate that the subject has been entered into CLASS; and
- (11) Any other pertinent information, including consular officer's recommendations or suggested course of action to be followed by the Department and DHS.

9 FAM 41.122 PN15 REINSTATEMENT FOLLOWING REVOCATION

(TL:VISA-130; 11-30-1995)

If a visa has been revoked and a consular officer subsequently determines that the reason for revocation has been overcome and the alien is no longer ineligible, the visa should be reinstated in accordance with the appropriate procedure as indicated below, and, in all applicable cases, the procedures in 9 FAM 41.122 PN15.1 should be taken promptly.

9 FAM 41.122 PN15.1 If Visa Has Been Revoked But No Further Action Taken

(TL:VISA-553; 06-25-2003)

If a Form DS-4047, Certificate of Revocation of Visa by Consular Officer, has been prepared in accordance with 9 FAM 41.122 PN1, but a copy has not been sent to the Department, if the visa has not been physically canceled,

and if notices of revocation have not been sent, a brief summary of the pertinent facts is to be entered on the Form DS-4047, indicating that the revocation was withdrawn. If post had already notified the Department or other posts of the revocation, post should notify the Department (and any relevant posts) of the reinstatement by telegram as follows:

“CVIS; ADVISORY OPINIONS, VISAS, BASIS FOR
REVOCATION, NIV, JOHN DOE, OVERCOME,
REINSTATED THIS DATE.”

9 FAM 41.122 PN15.2 If Visa Has Been Revoked and Notices of Revocation Sent

(TL:VISA-130; 11-30-1995)

- a. If the visa has not been physically canceled, but notices of revocation have been sent and the alien has departed, or if the alien's departure cannot be determined, the Department is to be promptly notified by telegram as follows:

“CVIS: ADVISORY OPINIONS, VISAS, BASIS FOR
REVOCATION, NIV, JOHN DOE, OVERCOME,
REINSTATED THIS DATE.”

- b. Any other post involved in the revocation action should be made an INFO addressee of this cable. Notices of reinstatement should be sent by the most expeditious secure means to all parties notified of the revocation.

9 FAM 41.122 PN15.3 If Visa Has Been Revoked and Physically Canceled

(CT:VISA-663; 12-22-2004)

- a. If a visa has been revoked, notices of revocation sent, the telegraphic report described in 9 FAM 41.122 PN7 has been made, and the revoked visa physically canceled, the alien is to be notified of the reinstatement and invited to appear at the consular office. If the alien appears and applies for a new visa, a new visa may be issued with the annotation “reinstated.” No fee should be collected for a “REINSTATED” visa unless the prior fee for issuance was refunded when the visa was revoked. The alien should be provided with a letter explaining the visa reinstatement. The Department (CA/VO/L/A) is also to be promptly notified by telegram as follows:

“CVIS: ADVISORY OPINIONS, VISAS, BASIS FOR
REVOCATION NIV JOHN DOE OVERCOME.”

- b. Any post involved in the revocation action should be made an INFO

addressee of the cable.

9 FAM 41.122 PN15.4 If Alien's Name Has Been Entered into CLASS

(CT:VISA-663; 12-22-2004)

If the alien's name has been entered into CLASS and the alien's visa is reinstated, the consular officer should request that the Department CLOK out any relevant CLASS entry. (See 9 FAM PART IV Appendix D.)

9 FAM 41.122 PN16 CANCELLATION OF VISAS BY IMMIGRATION OFFICERS UNDER 22 CFR 41.122(H)

9 FAM 41.122 PN16.1 Notations Made in Passport

(CT:VISA-663; 12-22-2004)

When a visa is canceled by a DHS officer, one of the following notations will normally be entered in the alien's passport:

- (1) Canceled. Adjusted;
- (2) Canceled. Excluded. DHS (Office) (Date);
- (3) Canceled. Application withdrawn. DHS (Office) (Date);
- (4) Canceled. Final order of deportation/voluntary departure entered DHS (Office) (Date) Canceled. Departure required. DHS (Office) (Date);
- (5) Canceled. Waiver revoked. DHS (Office) (Date); and
- (6) Canceled. Presented by impostor. DHS (Office) (Date).

9 FAM 41.122 PN16.2 Issuing Office Informed of Visa Cancellation

(TL:VISA-555; 07-17-2003)

Except when a visa is canceled after the alien's status has been adjusted to that of a permanent resident, DHS will directly inform the consular office which issued the visa of the cancellation action.

9 FAM 41.122 PN17 FORM I-275, WITHDRAWAL OF APPLICATION/CONSULAR NOTIFICATION

(CT:VISA-663; 12-22-2004)

Form I-275, Withdrawal of Application/Consular Notification, will be used to inform consular officers at the issuing office of the cancellation action. Form I-275 and any other attached forms should not be released to aliens or their representatives.

9 FAM 41.122 PN18 VOIDANCE OF COUNTERFEIT VISAS

(CT:VISA-663; 12-22-2004)

When DHS has determined through examination that a visa has been altered or is counterfeit, it will void the visa by entering one of the following notations on the visa page, together with the action officer's signature, title, and office location:

- (1) Counterfeit visa per testimony of alien (file number); or
- (2) Counterfeit visa per telecon, letter, telegram, e-mail from U.S. Embassy (U.S. Consul).